

TOWN OF HERNDON, VIRGINIA
PLANNING COMMISSION PUBLIC HEARING

APRIL 6, 2015

MOTIONS

PUBLIC HEARING ITEMS:

1. **APPLICATION FOR A SPECIAL EXCEPTION – SE #15-01, 450 Virginia Avenue.**
Descriptive Summary of Proposed Action: Consideration of an application for a special exception to permit a home-based child daycare use for a maximum of twelve children identified as Olga's Daycare on the property located at 450 Virginia Avenue. The previously approved special exception, SE #12-01, for the existing home-based child daycare use permitting a maximum of nine children has since expired as conditioned. The Town of Herndon Zoning Ordinance permits a maximum of seven children without a special exception. The subject property is zoned R-10, Residential and is identified as Fairfax County Tax Map Reference 0162-13-04-0001. Owners: Daniel E. and Olga C. Alvarado. Applicant: Olga C. Alvarado.

MOTION: Commissioner G. Burke moved to recommend approval of SE #15-01 to the Town Council as submitted and with the following conditions:

1. Substantial Conformity. The site shall be developed and maintained in substantial conformance with the special exception plan submitted on January 20, 2015.
2. Permitted use. The use shall be limited to a home-based child daycare with an on-site play area. The use shall also maintain compliance with the conditions set forth in the family day home license issued by the Department of Social Services of the Commonwealth of Virginia.
3. Hours of Operation. The permitted hours of operation shall be 6:00 a.m. until 6:00 p.m. Monday through Friday.
4. Number of Permitted Children. The total number of non-resident children present on site for the home-based child daycare use shall not exceed nine per day. The ratio of employees to children as required by the State shall be maintained.
5. On-Site Play Area. When playing outside all children shall be within the fenced playground area. The number of children allowed outside to play in the play area shall be limited to no more than nine at any one time, or to a number permitted in accordance with any State or other governing regulation based upon the size of the play area, whichever is less.

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6. Child Drop-off and Pick-up. Child drop-off and pick-up shall be limited to the driveway located on Virginia Avenue. Child drop-off and pick-up shall not occur on Alabama Drive.
7. Compliance with Other Regulations. The home-based child daycare use shall meet all applicable Town, County, State and Federal regulations.
8. Signage. No signage shall be permitted.
9. Commencement of Operation. Prior to commencement of operation, as permitted by this application if it is approved, a new zoning inspection permit shall be applied for by the applicant and approved, if it is approved, by the town.
10. Termination. This special exception may be terminated by the Town Council, following public hearing, based upon information provided by the Zoning Administrator, if the use is not operated in accordance with the zoning ordinance and the conditions set forth above.
11. Expiration. This special exception shall automatically expire, without notice, twelve months after the date of Town Council approval unless the proposed use has commenced operation. Additional time to commence the operation may be granted by the Town Council if a written request is submitted to the Zoning Administrator at least sixty days prior to the expiration date.
12. Transferability. This special exception runs with the current land owners, Daniel E. and Olga C. Alvarado, on the property identified as Fairfax County Tax Map Number 0162-13-04-0001 and is not transferable to the future land owners or business operators of this property. This special exception is not transferable to future properties of the current land owners and business operators, Daniel E. and Olga C. Alvarado.

Commissioner R. Burk seconded the motion.

Chairman East called for a vote on the motion. The motion carried unanimously, 7-0;

2. **APPLICATION FOR AN AMENDMENT TO A SPECIAL EXCEPTION – SE #15-02, 288 Missouri Avenue. Descriptive Summary of Proposed Action:** Consideration of an application for an amendment to a special exception to amend the conditions permitting a home-based child daycare use with a maximum of twelve children on the property located at 288 Missouri Avenue. The proposed amendment will remove the conditions placing an expiration on the use and the need for zoning certification, and will revise the hours of operation. The subject property is zoned R-10, Residential and is identified as Fairfax County Tax Map Reference 0164-04-23-0006. Owners: David and Therese Stroupe. Applicant: Therese Stroupe.

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MOTION: Vice Chair Jonas moved to recommend deferral of SE #15-02 to the Planning Commission public hearing of May 4, 2015, due to inadequate notification of the adjacent property owners by the applicant.

Commissioner Regan seconded the motion.

Chairman East called for a vote on the motion. The motion carried unanimously, 7-0;